

JANUARY 29, 1823.

Read twice, and committed to a Committee of the whole House
to-morrow.

A BILL

*Supplementary to the Act, entitled "An Act to amend the judicial
system of the United States."*

1 *Be it enacted by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled, That,*
3 in all suits in equity, in any Court of the United States, the testi-
4 mony of witnesses shall be taken by depositions, unless other-
5 wise ordered by the Court; which depositions shall be taken in
6 conformity to the regulations prescribed by law for the Courts
7 of the highest original jurisdiction in equity, in cases of a si-
8 milar nature, in that state in which the Court of the United
9 States may be holden, or, if there be no Court of Equity in
10 such State, or no regulations prescribed by law for taking
11 depositions, then, in conformity with the regulations which
12 such Court of the United States may prescribe, and the se-
13 veral Courts of the United States are hereby empowered to
14 prescribe regulations accordingly.

1 **SEC. 2. *And be it further enacted,*** That wherever a Com-
2 mission shall be issued by any Court of the United States,
3 for taking the testimony of witnesses at any place within the
4 United States, or the Territories thereof, it shall be lawful
5 for the clerk of the Circuit Court or the clerk of the District
6 Court for the district, within which such place may be, and
7 he is hereby, enjoined and required, upon the application of
8 either of the parties, his, her, or their agent or agents, to
9 issue a subpoena or subpoenas for such witness or witnesses
10 residing and being within the district, as may be named to
11 him, commanding such witness or witnesses to appear and
12 testify, before the commissioner or commissioners in such
13 commission named, at a time and place in the subpoena to
14 be stated: And, if any witness, after being duly served with
15 such subpoena, shall refuse or neglect to appear, or, after ap-
16 pearing, shall refuse to testify, (not being privileged from
17 giving evidence) such refusal or neglect being proved to the
18 satisfaction of the Judge of the District Court, he may there-
19 upon proceed to enforce obedience to the process, or to punish
20 the disobedience in like manner as any court of the United
21 States may do in case of disobedience to process of subpoena
22 issued by such court. And the witness or witnesses in such
23 cases, shall be allowed the same fees and compensations as
24 witnesses are allowed for the same services in the courts of the
25 state, where such witness or witnesses may be required to
26 attend before such commissioner or commissioners.